

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

19 CV 6228 MAT

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Charles W. McGill

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Vince Buzzelli

4.

2. Troy Blake

5.

3. Kathleen Drew

6.

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUITAll of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Federal Question

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: This is where the defendants resides in the 17 westernmost Counties of New York State

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Employment

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Charles W. McGill

Present Address: 12 Brooklyn Street / Rochester, New York / 14613

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: Vince Buzzelli

Official Position of Defendant (if relevant): Vice President Senior Management

Address of Defendant: 770 Emerson Street / Rochester, New York / 14613

Name of Second Defendant: Troy Blake

Official Position of Defendant (if relevant): Operation Manager

Address of Defendant: 770 Emerson Street / Rochester, New York / 14613

Name of Third Defendant: Kathleen Drew

Official Position of Defendant (if relevant): _____

Address of Defendant: 259 Monroe Avenue - Suite 308 / Rochester, New York / 14607

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ✓

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No X

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

_____ Dismissed (check the statement which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) May 22, 2017,

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) _____

Vince Buzzelli: Vice President and Senior Management

I had volunteered to work during Christmas shut-down of 2016 for Tand L Automatics, during that time I've been asking to be trained on the new manual saw for at least one or two days. But I was denied; they refused to provide me reasonable accommodations so I can perform the essential functions of the job. When the manual saw did the following to me (briefly state what each defendant named above did): went into operation on January 03, 2017; they just put me up on the manual saw and told me to run the saw; while still running the electric saw. So I've running both saws for five months and ran them very well with some minor malfunctions because parts were coming up short on the manual saw. On the week of May 15-18, 2017 I was setting up two different jobs on two different days. First job was on Wednesday May 17th it was job #635 at 10:36am and the second job was on Thursday May 18th it was job #613 at 10:00am I had to leave work both days during lunch break for one hour for personal reasons so there was some

The federal basis for this claim is: Employment /// it was for harrasment (threats of firing me) and failure to provide me with reasonable accommodations so I can perform the essential function of my job.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I want One million dollars for each of the five years at Tand L Automatics and back pay of 12⁰⁰/hr at 40 hrs/week for my unemployment these past two years for the harrasment, faulty machines, and lack of training. I want Division of Human Right to pay same amount for not recognizing the harrasment and the lack of training from Tand L on the manual saw and allowing a fake report into their files.

B. SECOND CLAIM: On (date of the incident) May 22, 2017

defendant (give the name and (if relevant) position held of each defendant involved in this incident) Troy Blake:

operations manager /// I had volunteered to work during Christmas shut-down of 2016 for Tand L Automatics; during that time I've been asking to be trained on the new manual saw for at least one or two days. But I was denied; they refused to provide me reasonable accommodations so I can perform the essential functions of the job. When the manual saw went into operation on January 03, 2017; they just put me on the manual saw and told me to run the saw; while still running the electric saw. So I've ran both saws for five months and ran them very well with som minor malfunctions on the manual saw because parts were coming up short. On the week of May 15-18, 2017 I was setting up two different jobs on two different

did the following to me (briefly state what each defendant named above did): saw for at least one or two days. But I was denied; they refused to provide me reasonable accommodations so I can perform the essential functions of the job. When the manual saw went into operation on January 03, 2017; they just put me on the manual saw and told me to run the saw; while still running the electric saw. So I've ran both saws for five months and ran them very well with som minor malfunctions on the manual saw because parts were coming up short. On the week of May 15-18, 2017 I was setting up two different jobs on two different

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State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I want One million dollars for each of the five years at Tand L Automatics and back pay of 12⁰⁰/hr at 40 hrs/week for my unemployment these past two years for the harrasment, faulty machines and lack of training. I also want Division of Human Rights to pay the same amount for not recognizing the harrasment and the lack of training from Tand L on the

If you have additional claims, use the above format to set them out on additional sheets of paper. manual saw and allowing a false or Fake report into their files

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

I worked for this company for a number of years and I did my job well why it took them five months to fire me. I want 12th per hour @ 40 hours a week of backpay for the two years I missed while unemployed. I also want One million dollars for each of the five years I put in for T and L Automatics all the shut-downs I worked for them, and to turn around and terminate me for no reason and writing up a false report of the whole incident. I also want same charges towards the Division of Human Right for their failure to recognize these level of discrimination.

Do you want a jury trial? Yes ☐ No ☒

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 27, 2019
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Charles W. McGeel

Signature(s) of Plaintiff(s)

I had volunteered to work during Christmas shut down of 2016 for T and L Automatics. During that time I've been asking to be trained on their new manual saw; for at least a day or two. But T and L Automatics refused to provide me reasonable accommodations so I can perform the essential functions of the job. Once the manual saw went into operation on January 3, 2017 I was told to run the manual saw along with the electrical saw from time to time. So I ran the manual saw (487) for five months with no training with some minor issues, because the parts were starting to cut smaller and smaller. I believe T and L Automatics rigged the manual saw so it could malfunction on purpose the job I ran the parts be off tolerance I mention it to the plant manager Troy Blake he really didn't put no effort into it. This was all because they were setting me up to fail at my job over something that was not my fault and beyond my control, once again I was not properly trained. So they could later write up a false report over a job I did not finish it was another employee who finished both jobs on Monday 22, 2017.

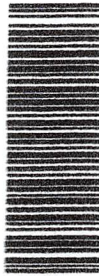
Because during the week of May 15-18 2017 I was setting up a job on Wednesday 17th at 10:30am job 635; then on Thursday 18th at 10:00am I was setting up job 613 during both those days I had to leave during my lunch break for an hour for personal business. So there had to be some down time over the course of two days. And the jobs needed to be cut so small there was no way I was going to be done before the weekend and when I came into work Monday morning I was fired. Like I said they wanted to set me up to fail by keeping me distracted with more than one machine and rigging the other machine, plus the harassment and threats of losing my job.

PRIM SECO FIOC VISI WAQU ISRT PACK

0653 REV: 005 05-17-17 10:36
CHARLES MCGILL

BLOCK FITTING 811

A88 0187400436

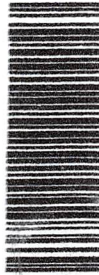


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0653 REV: 005 05-17-17 10:36
CHARLES MCGILL

BLOCK FITTING 811

A88 0187400435

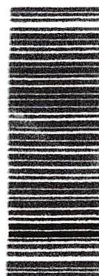


PRIM SECO FIOC VISI WAQU ISRT PACK

0653 REV: 005 05-17-17 10:36
CHARLES MCGILL

BLOCK FITTING 811

A88 0187400434



PRIM 0r22 SECO FIOC VISI WAQU ISRT PACK

0613 REV: 02A 05-18-17 10:01
CHARLES MCGILL

TRUNION NUT 047

A87 0170303581



PRIM 0r22 SECO FIOC VISI WAQU ISRT PACK

0613 REV: 02A 05-18-17 10:01
CHARLES MCGILL

TRUNION NUT 047

A87 0170303580



PRIM 0r22 SECO FIOC VISI WAQU ISRT PACK

0613 REV: 02A 05-18-17 10:01
CHARLES MCGILL

TRUNION NUT 047

A87 0170303579



this is the Manual saw (Small Saw) machine
A87 I ran this machine for five months from
Jan 03, 2017 through May 22, 2017. During
time I was running two saw, but T and
Automatics was setting me up to fail. Be
I was denied training on the manual so
and they knew they did not provide
reasonable accommodations so I can
perform the essential functions of my
job. T and L Automatics rigged the
machine so the parts would cut sma
and smaller. But some where too big
too small I told them an saw mach
don't work that way. But they fired m
for something I didn't do wrong due to the
faulty machine

this here is the Electric saw (Big Saw) machine
A88 I ran this machine for five years from Dec 05, 2012
through May 22, 2017. Over the years I ran numerous
jobs, numerous times so I was familiar with this job
653. But I was trained on the electric saw I was
never trained on the manual saw; when there was plenty
of time and opportunity to train me for at least one
day during shut-downs. T and L Automatics was setting
me up to fail on the manual saw fire me for a job
I did nothing wrong on because of their faulty machine
so they can later make up a false report on a different
machine on a different job I never finished. Again
I was denied training so I could better myself and
keep my job.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Revised 07/07 WDNY

Charles W. McGill

Jury Trial Demanded: Yes _____ No ☒

Name(s) of Plaintiff or Plaintiffs

-VS-

DISCRIMINATION COMPLAINT

-CV-_____

Vince Buzzelli

Troy Blake

Kathleen Drew

Name of Defendant or Defendants

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, AND a copy of the "**Right to Sue**" letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).



New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 12 Brooklyn Street / Rochester, New York / 14613

My telephone number is: (585) 353-4203

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: Tand L Automatics Inc / Department of Division of Human Rights ^{New York State}

Number of employees: 100 / unknown

Address: 770 Emerson Street 259 Monroe Avenue
Rochester, New York Rochester, New York
14613 14607

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): December 03, 2012

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: December 22, 2016

It started during Christmas shut-down I wanted to be trained on the manual saw that

6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): the company bought. But I was denied to be trained to better myself to do the Job I was willing to do. During the week of May 15-18, 2017. I have been setting up jobs on both machines, but on Wednesday 17th I'd set-up job # (663) and on Thursday I'd set-up job # (613) ran some parts for both machines. But over the course of two days there have been some downtime about 2 3/4 hours with all the set-ups, start-ups, change overs, and moving finished product to designated area

7. I believe that the defendant(s) When I returned to work Monday morning the 22nd I was fired for work I did not finished.

a. Are still committing these acts against me.

b. ✓ Are not still committing these acts against me.

(Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) May 22, 2017

8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)

The date when I filed a complaint with the New York State Division of Human Rights is

I Filed my Complaint on May 19, 2018
 _ (estimate the date, if necessary)

I filed that complaint in (identify the city and state): Rochester, New York

The Complaint Number was: 10194827

9. The New York State Human Rights Commission did ✓ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: November 15, 2018
11. The Equal Employment Opportunity Commission did ✓ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: February 18, 2019. (NOTE: If it

did issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. _____ Failure to provide me with reasonable accommodations to the application process
- b. _____ Failure to employ me
- c. ☒ Termination of my employment
- d. _____ Failure to promote me
- e. ☒ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. _____ Harassment on the basis of my sex
- g. ☒ Harassment on the basis of unequal terms and conditions of my employment
- h. _____ Retaliation because I complained about discrimination or harassment directed toward me
- i. _____ Retaliation because I complained about discrimination or harassment directed toward others
- j. _____ Other actions (please describe) _____

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- | | |
|--------------------------|---|
| a. _____ Race | f. _____ Sexual Harassment |
| b. _____ Color | g. _____ Age |
| c. _____ Sex | _____ Date of birth |
| d. _____ Religion | h. _____ Disability |
| e. _____ National Origin | Are you incorrectly perceived as being disabled by your employer? |
| | _____ yes _____ no |

15. I believe that I was ☒ /was not _____ **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not/are not ☒ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: May 22, 2017 and why the defendant(s) stopped committing these acts against you: Because I was no longer employed at Tand L Automatics Inc for Failure to provide me with reasonable accommodations so I can Perform the essential functions of my job
17. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim. (NOTE: You must attach a copy of the original complaint you filed with the Equal Employment Opportunity Commission and a copy of the Equal Employment Opportunity Commission affidavit to this complaint; failure to do so will delay initiation of your case.)
18. The Equal Employment Opportunity Commission (check one):
☐ has not issued a Right to sue letter
☒ has issued a Right to sue letter, which I received on February 18, 2019
19. State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I started working at Tand L Automatics on December 03, 2012 up until May 22, 2017 then I was running one saw machine. In January 3, 2017 I started running two saw machines; for the next five months; the manual saw started malfunctioning during that time. I'd mention it the plant manager and vice president but the matter was never resolved. During the week of May 15-18, 2017 working 10 hours for those days, but on Wednesday 17th I was setting up my next job # (653) at 10:36am an hour later I had to leave during lunch break for an hour on some personal business. Then on Thursday 18th I was setting up the next job # (613) at 10:00am an hour and a half later I had to leave during lunch break again for an hour for personal business. So over the course of two days and running two saw machines there was some downtime about 2 3/4 hours with set-ups, start-ups, change over, and moving finished jobs to a designated area with a handjack. Since this was the back end of the week I never finished jobs 653 and 613 plus the parts were cut very small from huge aluminum bundles. When I came back to work Monday morning May 22nd I was

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

Fired on the spot for work I never got finished for no reason and through no fault of my own

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct

_____ 60 days or more have elapsed _____ less than 60 days have elapsed
This is just an insult to my talent, skills, and intelligence as a skilled tradesman

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____)

22. The date on which I first asked my employer for reasonable accommodation of my disability is _____

23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____

24. The reasonable accommodation provided to me by my employer were _____/were not _____ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: March 27, 2019

Charles W. McNeil

Plaintiff's Signature

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Charles W. McGill**
12 Brooklyn Street
Rochester, NY 14613

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2018-03377

Holly M. Shabazz,
State & Local Program Manager

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

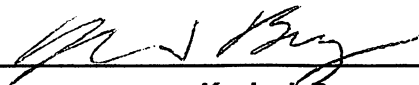
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Kevin J. Berry,
District Director

February 15, 2019

(Date Mailed)

Enclosures(s)

CC:

Attn: Director of Human Resources
T & L AUTOMATICS, INC.
770 Emerson Street
Rochester, NY 14613

FACTS ABOUT FILING AN EMPLOYMENT DISCRIMINATION SUIT IN FEDERAL COURT IN NEW YORK STATE

You have received a document which is the final determination or other final action of the Commission. This ends our handling of your charge. The Commission's action is effective upon receipt. Now, you must decide whether you want to file a private lawsuit in court. This fact sheet answers several commonly asked questions about filing a lawsuit.

WHERE SHOULD I FILE MY LAWSUIT?

Federal District Courts have strict rules concerning where you may file a suit. You may file a lawsuit against the respondent (employer, union, or employment agency) named in your charge. The appropriate court is the district court which covers either the county where the respondent is located or the county where the alleged act of discrimination occurred. However you should contact the court directly if you have questions where to file your lawsuit. New York State has four federal districts:

- The United States District Court for the Southern District of New York is located at 500 Pearl Street in Manhattan. It covers the counties of Bronx, Dutchess, New York (Manhattan), Orange, Putnam, Rockland, Sullivan, and Westchester. (212) 805-0136 <http://www.nysd.uscourts.gov>
- The United States District Court for the Eastern District of New York is located at 225 Cadman Plaza in Brooklyn and covers the counties of Kings (Brooklyn), Nassau, Queens, Richmond (Staten Island), and Suffolk. (718) 613-2600 <http://www.nyed.uscourts.gov>
- The United States District Court for the Western District of New York is located at 68 Court Street in Buffalo. It covers the counties of Allegheny, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuylar, Seneca, Steuben, Wayne, Wyoming, and Yates. (716) 551-4211 <http://www.nywd.uscourts.gov>
332-1700
- The United States District Court for the Northern District of New York is located at 100 South Clinton Street in Syracuse and covers the counties of Albany, Broome, Cayuga, Chautauque, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Ulster, Warren, and Washington. This District Court's Pro Se Attorney has offices at 10 Broad Street in Utica New York. (315) 234-8500 <http://www.nynd.uscourts.gov>

WHEN MUST I FILE MY LAWSUIT?

Your private lawsuit must be filed in U.S. District Court within **90 days** of the date you receive the enclosed EEOC Notice of Right To Sue. Otherwise, you will have lost your right to sue.

(Over)

Feb 15, 2019

Apr 15, 2019

100 State Street, Rochester, New York 14614 613-400
M-F = 9:00 Am to 5:00pm
Cashier Window = 9:10 Am - 4:15 pm

DO I NEED A LAWYER?

No, you do not need a lawyer to file a private suit. You may file a complaint in federal court without a lawyer which is called a *Pro Se* complaint. Every district court has either a clerk or a staff attorney who can assist you in filing *Pro Se*. To find out how to file a *Pro Se* complaint, contact the clerk of the court having jurisdiction over your case who can advise you of the appropriate person to assist you and of the procedures to follow, which may vary from district to district.

You may, however, wish to retain a lawyer if you chose. Whether you retain a private attorney, or file *Pro Se*, you must file your suit in the appropriate court within 90 days of receiving this mailing.

WHAT IF I WANT A LAWYER BUT CAN'T AFFORD ONE?

If you can't afford a lawyer, the U.S. District Court which has jurisdiction may assist you in obtaining a lawyer. You must file papers with the court requesting the appointment of counsel. You should consult with the office of the district court that assists *Pro Se* complainants for specific instructions on how to seek counsel. The appointment of counsel in any *Pro Se* complaint is always at the discretion of the court.

Generally, the U.S. District Court charges a \$350.00 filing fee to commence a lawsuit. However, the court may waive the filing fee if you cannot afford to pay it. You should ask the office of the District Court that assists *Pro Se* complainants for information concerning the necessary procedure to request that the filing fee be waived.

HOW CAN I FIND A LAWYER?

These are several attorney referral services operated by bar or other attorney organizations which may be of assistance to you in finding a lawyer to assist you in ascertaining and asserting your legal rights:

American Bar Association
(800) 285-2221
www.abanet.org

New York State Bar Association
(800) 342-3661
www.nysba.org

New York City Bar
Legal Referral Service
(212) 626-7373

National Employment Lawyers Association
Referral Service
(212) 819-9430
<http://www.nelap.com/EN>

Other local Bar Associations in your area may also be of assistance.

HOW LONG WILL THE EEOC RETAIN MY CASE FILE?

Generally, the Commission's rules call for your charge file to be destroyed after 2 years from the date of a determination, but time frames may vary. If you file a suit, and wish to request a copy of your investigative file, you or your attorney should make the request in writing as soon as possible. If you file suit, you or your attorney should also notify this office when the lawsuit is resolved.



**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

CHARLES W. MCGILL,

Complainant,

v.

T & L AUTOMATICS, INC.,

Respondent.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10194827

Federal Charge No. 16GB803377

On 5/29/2018, Charles W. McGill filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of conviction record, race/color in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division has determined that there is NO PROBABLE CAUSE to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

Investigation did not reveal sufficient evidence to support the allegations of unlawful discrimination that are contained in the complaint. Investigation showed that Complainant was employed as a saw operator for Respondent from 2012 until his employment termination in May 2018. Complainant is African American and says he has a misdemeanor conviction record. Investigation did not show that any employee of a different race/color received more favorable treatment than Complainant or that any adverse employment action was taken against Complainant because of his race/color or conviction record. Investigation also did not show that Complainant was denied training due to any discriminatory animus. Investigation did not establish that Respondent's employees were ever informed of Complainant's conviction record and there was no evidence of any action taken against Complainant related to his conviction record. Investigation showed that when Respondent deemed that Complainant had issues with not following procedures which resulted in a costly incident, the decision was made to terminate Complainant's employment. Respondent has articulated a legitimate, non-discriminatory

business reason for terminating Complainant's employment, which was not shown to be a pretext. Therefore, there is no probable cause to support the allegations of the complaint.

The complaint is therefore ordered dismissed and the file is closed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: NOV 05 2018
Rochester, New York

STATE DIVISION OF HUMAN RIGHTS

By: 
Julia B. Day
Regional Director

New York State Division of Human Rights Complaint Form

CONTACT INFORMATION

My contact information:

Name: Charles W. McGill
Address: 12 Brooklyn street Apt or Floor #: _____
City: Rochester State: NY Zip: 14613

REGULATED AREAS

I believe I was discriminated against in the area of:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Employment | <input type="checkbox"/> Education | <input type="checkbox"/> Volunteer firefighting |
| <input type="checkbox"/> Apprentice Training | <input type="checkbox"/> Boycotting/Blacklisting | <input type="checkbox"/> Credit |
| <input type="checkbox"/> Public Accommodations (Restaurants, stores, hotels, movie theaters amusement parks, etc.) | <input type="checkbox"/> Housing | <input type="checkbox"/> Labor Union, Employment Agencies |
| <input type="checkbox"/> Commercial Space | | <input type="checkbox"/> Internship |

I am filing a complaint against:

Company or Other Name: T and L Automatics
Address: 770 Emerson street
City: Rochester State: NY Zip: 14613
Telephone Number: 585 647 3717
(area code)

Individual people who discriminated against me:

| | |
|-----------------------------|--------------|
| Name: <u>troy</u> | Name: _____ |
| Title: <u>plant manager</u> | Title: _____ |

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 05 27 2017
month day year

DOMESTIC WORKERS



Please answer the questions on this page only if you are a domestic worker. If you are not a domestic worker, please skip this page and turn to the next page.

The Human Rights Law protects you if you are being sexually harassed or harassed because of your gender, race, national origin, or religion AND you are employed in the home or residence of another person for the purposes of housekeeping, childcare, companionship, or any other domestic service purpose

Do you live in your employer's home? ☐ Yes ☐ No

If yes, please be sure to fill out the information on Page 11 and provide the name of another person who does not live with you but will know how to contact you if the Division needs to reach you.

What did the person you are complaining against do?

Please check all that apply.

- | | |
|--|--|
| <input type="checkbox"/> Harassed me because of my race or color | <input type="checkbox"/> Harassed me because of my national origin |
| <input type="checkbox"/> Harassed me because of my religion | <input type="checkbox"/> Harassed me because of my gender/sex |
| <input type="checkbox"/> Sexually harassed me | |

Other protections for Domestic Workers:

As a domestic Worker, you are also entitled to certain protections in the following areas:

- **Minimum Wage** (the lowest hourly wage under the law)
- **Day of Rest** (the amount of time off that you should have each week)
- **Paid Vacation** (the amount of time off that you should have each year)
- **Overtime Pay** (extra money that you receive for working extra hours)
- **Disability Benefits** (payments if you can't work because of illness or injuries)

If you have questions about these topics, please contact:

New York State Department of Labor
(518) 457-9000
(888) 4-NYSDOL / (888-469-7365)
TTY/TDD (800) 662-1220
www.labor.ny.gov



When you have finished answering these questions, please turn to Page 8.

EMPLOYMENT OR INTERNSHIP DISCRIMINATION

Please answer the questions on this page only if you were discriminated against in the area of employment or internship. If not, turn to the next page.

How many employees does this company have?

☐ 1-3 ☐ 4-14 ☐ 15 or more ☒ 20 or more ☐ Don't know

Are you currently working for the company?

☐ Yes

Date of hire: (05 03 2012) What is your job title? saw operat
 Month day year

☒ No

Last day of work: (05 27 2017) What was your job title? saw operat
 Month day year

☐ I was not hired by the company

Date of application: ()
 Month day year

ACTS OF DISCRIMINATION

What did the person/company you are complaining against do? Please check all that apply.

☐ Refused to hire me

☒ Fired me / laid me off

☐ Did not call me back after a lay-off

☐ Demoted me

☐ Suspended me

☐ Sexually harassed me

☒ Harassed or intimidated me (other than sexual harassment)

☐ Denied me training

☐ Denied me a promotion or pay raise

☐ Denied me leave time or other benefits

☐ Paid me a lower salary than other workers in my same title

☐ Gave me different or worse job duties than other workers in my same title

☐ Denied me an accommodation for my disability

☐ Denied me an accommodation for my religious practices

☐ Gave me a disciplinary notice or negative performance evaluation

☐ Other: _____

HOUSING DISCRIMINATION

Please answer the questions on this page only if you were discriminated against in the area of housing. If not, turn to the next page.

Who discriminated against you?

- ☐ Builder ☐ Bank or other lender ☐ Manager / Superintendent
☐ Owner / Landlord ☐ Salesperson ☐ Other: _____
☐ Co-op Board ☐ Condo Association

What kind of property was involved?

- ☐ Single-family house ☐ Mobile home ☐ Building with 2-4 apartments
☐ Two-family house ☐ Commercial Space ☐ Building with 5 or more apartments
☐ Other: _____

Does the owner live on the property? ☐ Yes ☐ No

Was this property being sold or being rented?

- ☐ Being sold ☐ Being rented

Address of property:

Address: _____ Apt or Floor #: _____

City: _____ State: _____ Zip: _____

Are you currently living there?

- ☐ Yes ☐ No

ACTS OF DISCRIMINATION

What did the person you are complaining against do? Please check all that apply.

- ☐ Refused to rent or sell to me
☐ Evicted me / threatened to evict me
☐ Denied me access for my disability
☐ Denied me equal terms, privileges, or facilities that other tenants were given
☐ Discriminated against me in lending or financing
☐ Advertised in a discriminatory way
☐ Harassed me based on my sex, national origin, race, disability, etc.
☐ Other: _____

DESCRIPTION OF DISCRIMINATION - for all complaints (Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. PLEASE TYPE OR PRINT CLEARLY.

My conviction record was brought to the attention by the Rochester Police Department whom have been derailing my jobs and my social life for a while. They were calling co-workers at their homes about my past convictions and was replaying wire and phone taps almost every week when the opportunity arises. This was all done to try and pressure the company to fire me. Then the nude photos being mailed to their homes and while this has been going on for some years. After five years of employment running one automatic saw the company went out and bought a manual saw and without re-training I ran the saw for five month and was fired. After my employer was harassing me about my breaks and numbers and with threats of losing my job. This was going while running two saw at the same time where I would not have any time to check my parts for 100%

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.

NOTARIZATION OF THE COMPLAINT

Based on the information contained in this form, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing my housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Charles Wendell McGill
Sign your full legal name

DOMINIC L. BOZZELLI
Notary Public, State of New York
No. 01BO6332899
Qualified in Monroe County
Commission Expires Nov. 9, 2019

Subscribed and sworn before me
This 22nd day of MAY, 20 18

Dominic J. Bozzelli
Signature of Notary Public

County: MONROE Commission expires: 11/9/2019

Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.

Witnesses:

The following people saw or heard the discrimination and can act as witnesses:

Name: _____ Job title: _____

Telephone number: _____

Relationship to me: _____

What did this person witness?: _____

Name: _____ Job title: _____

Telephone number: _____

Relationship to me: _____

What did this person witness? _____

If you have more witnesses, please write their names and information on a separate sheet of paper and attach it to this form. Please do not write on the back of this form.

Additional Details:

Did you report or complain about the discrimination to someone else?

(If you told someone, filed a report or sent a letter about the discrimination, please indicate whether you went to a supervisor, a manager, the owner of the company, your human resources office, your union, your housing provider, the police, etc.).

Date you reported or complained about discrimination: _____
month day year

How exactly did you complain about the discrimination?

(Who did you talk to about it? Who did you filed a report or make a formal written complaint or union grievance with? What did you say?)

What happened after you complained?

(Was your complaint investigated? Was any action taken in response to your complaint? Did the discrimination stop? Did you experience retaliation for complaining?)

If you did not report the discrimination, please explain why:

Did the person you are complaining against touch you, hurt you, or physically harm you?

☐ Yes ☒ No

If yes, please explain: _____

Examples of other people who were discriminated against in the same way as you were:

(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, ages, religions, etc.

Examples of other people who were treated better than you were:

(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, people who were allowed to stay in the store while you were told to leave, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, ages, religions, etc.

19 CV 6228 MAT

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Charles W. McGill(b) County of Residence of First Listed Plaintiff Monroe
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

"Pro Se"DEFENDANTS T and L Automatics Inc,
New York State Department of Division of
Human RightsCounty of Residence of First Listed Defendant Monroe
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

MAR 27 2019

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 USC 442Brief description of cause: Failure to provide me with reasonable accommodations to perform the essential function of my job

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$ 5,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Charles W. McGill "Pro Se"

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____